# STATE EMPLOYEES' AND OFFICIALS' GROUP INSURANCE RULES

October 19, 2001

Administration and Information Human Resources Division

# TABLE OF CONTENTS

CHAPTER 1	GENERAL INFORMATION	
Section 1.	Purpose	1-1
Section 2.	Statutory Authority	1-1
Section 3.	Severability	1-1
Section 4.	Applicability	1-1
Section 5.	Definitions	1-1
Section 6.	Time Computation	1-2
CHAPTER 2	ADMINISTRATION	
Section 1.	Advisory Panel Meetings	2-1
Section 2.	Appointment of Advisory Panel Members	2-1
	and Election of Officers	
CHAPTER 3	CONTESTED CASE PROCEEDINGS	
Section 1.	Purpose	3-1
Section 2.	Incorporation and Applicability of Statutes and Rules	3-1
Section 3.	Exclusivity of Remedy	3-1
Section 4.	Counsel Not Required	3-2
Section 5.	Attorneys' Fees or Costs	3-2
Section 6.	Initiation of Proceedings	3-2
Section 7.	Designation of Hearing Officer	3-3
Section 8.	Expedited Proceedings	3-3
Section 9.	Response	3-3
Section 10.	Scheduling Hearing	3-3
Section 11.	Mandatory Informal Discovery Requests	3-4
Section 12.	Pre-Hearing Conference	3-4
Section 13.	Hearing Procedure	3-4
Section 14.	Proposed Final Order	3-5
Section 15.	Exceptions to Proposed Final Order, Reply	3-5
Section 16.	Final Order	3-5
Section 17.	Appeal	3-5

### **CHAPTER 1**

### **GENERAL INFORMATION**

### Section 1. **Purpose**

These rules shall govern the administration of the State Employees' and Officials' Group Insurance Act, W. S. §§ 9-3-202 through 9-3-218, as amended.

# Section 2. Statutory Authority

These rules are promulgated pursuant to W. S. §§ 9-3-205(a)(vi) and 9-3-205(b).

## Section 3. Severability

If any part of these rules is held invalid, that invalidity shall not affect any other provisions or applications of these rules. These rules shall be given effect without the invalid part and to this end, the provisions are severable.

# Section 4. Applicability

These rules apply to the Department of Administration and Information in the administration of the Wyoming State Employees' and Officials' Group Insurance Program, employees of the Department, Carriers, Wyoming State Employees' and Officials' Group Insurance Program participants, and applicants for coverage under the Wyoming State Employees' and Officials' Group Insurance Program.

### Section 5. **Definitions**

Unless otherwise defined in the State Employees' and Officials' Group Insurance Act or these rules, words shall be given their ordinary meaning.

- (a) "Advisory Panel" means the panel of program participants established by the Director pursuant to W.S. § 9-3-217.
- (b) "Department" means the Wyoming Department of Administration and Information.

- (c) "Director" means the Director of the Wyoming Department of Administration and Information or an employee of the Department designated by the Director.
- (d) "Carrier" means an entity defined as W.S. § Section 9-3-203(a)(ii), which has contracted with the Department to provide a plan of group insurance coverage for state employees and officials. For the purpose of contested case proceedings under Chapter III of these rules, Carrier shall also include an entity which has contracted with the Department pursuant to W.S. § 9-3-205(a)(xiii) to provide specialized services related to the administration of a self insurance program established pursuant to W.S. § 9-3-201(d).
- (e) "Complainant" means a program participant or applicant who is seeking review in a contested case proceeding of a decision related to the allowance and payment of claims, eligibility for coverage or other matters.
  - (f) "Legal holiday" means the holidays described in W.S. § 8-4-101.
- (g) "Program" means the various benefits provided to State of Wyoming employees, officials and retirees pursuant to the State Employees' and Officials' Group Insurance Act, W.S. §§ 9-3-202 through 9-3-218.
- (h) "Retiree" means an individual who has terminated his working career as an employee of an employing entity participating in the group insurance plan and who is eligible to receive a retirement benefit under the Wyoming retirement system and who is eligible for coverage pursuant to W.S. § 9-3-218.

# Section 6. Time Computation

- (a) In computing any period of time prescribed or allowed by these rules, the day of the act, or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, or, when the act to be done is the filing of a paper, a day on which weather or other conditions have made the office of the Department inaccessible, in which event the period runs until the end of the next day which is not one of the aforementioned days.
- (b) When the time period prescribed or allowed by these rules is less than eleven (11) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon the party, and the notice or paper is served upon the party by mail, three days shall be added to the prescribed period.

### **CHAPTER 2**

### **ADMINISTRATION**

### Section 1. Advisory Panel Meetings

The Advisory Panel shall meet quarterly or upon call of the Director as may be necessary to conduct its business. Meetings shall be open to the public. A majority of the members of the Advisor Panel shall constitute a quorum for the transactions signed by the chairman. The Director may permit Advisory Panel members to attend meetings by telephone. Minutes of the meetings of the Advisory Panel shall be preserved in the Director's office.

### Section 2. Appointment of Advisory Panel Members and Election of Officers

- (a) The members of the Advisory Panel shall be appointed for terms of two (2) years. Each regular term shall begin on June 1 of the year of appointment and shall end on May 31 of the year in which the term expires. Members appointed to replace a member who has resigned or become incapacitated shall be appointed to serve the remainder of the term of the member replaced. Ninety (90) days prior to the expiration of the term of any member, or upon the resignation or incapacitation of any member, the Director shall, in a manner calculated to efficiently obtain an adequate pool of qualified nominees, request nominations of qualified individuals representing the specified employee groups participating in the group health insurance plan, including state agencies, the University of Wyoming and community colleges, and retired employees who are plan participants, as may be necessary to maintain the proportional representation of the specified groups required by W.S. § 9-3-217.
- (b) The Director shall consider all nominations provided in response to his request, but may also consider and appoint to the Advisory Panel individuals other than those nominated. The Director shall not be required to appoint any or all of the nominees.
- (c) Nominations for members must be received in the Director's office no less than forty five (45) days after the date of the issuance of the Director's request(s) for nominations. If no nomination is received in response to the Director's request, the director shall at his discretion appoint members as are required to properly constitute the Advisory Panel pursuant to W.S. § 9-3-217.
- (d) Upon receipt of a nomination, the Director shall verify that the person nominated is an active plan participant and is otherwise eligible to serve as an Advisory Panel member.

- (e) The Director shall then mail a letter to each nominee giving notice of the nomination, explaining the duties of the Advisory Panel, requesting that the nominee provide a brief summary of his or her qualifications, and requesting that the nominee immediately advise the Director if he or she is willing and able to serve as a member.
- (f) Each year, the Director shall cause notice of the appointment of new Advisory Panel members to be publicized to eligible and participating employees and officials.
- (g) The Advisory Panel shall meet within thirty (30) days following each regular annual appointment of members, and at the meeting shall select a chairman and a vice-chairman from among its members. The Director shall designate an employee of the department to serve as secretary.

### CHAPTER 3

### CONTESTED CASE PROCEEDINGS

### Section 1. Purpose

The rules in this chapter govern the hearing and adjudication of disputes concerning the allowance and payment of claims and eligibility for coverage and other matters. These rules are intended to and shall be construed to provide adjudication in a manner that is as speedy and inexpensive as is consistent with a full and fair hearing and appropriate deliberation.

# Section 2. **Incorporation and Applicability of Statutes and Rules**

- (a) The rule-making and contested case provisions of the Wyoming Administrative Procedure Act. W.S. §§ 16-3-101 through 16-3-115, as amended, are applicable and are incorporated by reference herein.
- (b) Contested case proceedings shall be governed by the Wyoming Rules of Civil Procedure. Rules 6, 11, 16, 26, 28 through 37, (except as the application of these is limited by the terms of W.S. 16-3-107(g), Rule 43, and Rules 45, 46, 55, and 56. The remainder of the Wyoming Rules of Civil Procedure may be referred to by the parties and the hearing officer for guidance.
- (c) The Wyoming Rules of Evidence shall not apply to proceedings under these rules, but may be referred to by the parties and the hearing officer for guidance.
- (d) In the case of conflict between these rules, the Wyoming Administrative Procedure Act, and the State Employees' and Officials' Group Insurance Act, the statutes shall control.

### Section 3. **Exclusivity of Remedy**

These rules provide the exclusive administrative remedy in disputes concerning the allowance and payment of claims and eligibility for coverage. Pursuant to W.S. § 9-3-205, the decision of the Director shall be binding in disputes concerning the allowance and payment of claims and eligibility for coverage.

# Section 4. Counsel Not Required

The parties shall have the right to appear in person or by or with counsel but may present their own evidence and argument and shall not be required to have an attorney at any stage of proceedings under these rules.

# Section 5. Attorneys' Fees or Costs

The Director has no authority to award attorneys' fees or costs, and shall not consider claims for attorneys' fees or costs. The hearing officer shall not allow the presentation of evidence related to such claims.

## Section 6. **Initiation of Proceedings**

- (a) A proceeding under these rules shall be initiated by the filing of a statement of dispute by the complainant. The statement of dispute shall be filed within one (1) year of the occurrence or discovery of the event forming the basis of the dispute, and shall contain the following:
- (i) The complainant's name, address, telephone number, social security number, and place of employment;
  - (ii) A brief description of the dispute;
- (iii) If the dispute involves the denial of coverage or of a claim, the statement shall include the reasons for denial, as understood by the complainant;
- (iv) Copies of any relevant documents, including but not limited to bills, statements, and the carrier's explanation of benefits;
- (v) Information regarding any contacts the complainant has had with the opposing party regarding the disputed matter, including attempts to settle the dispute; and,
- (vi) A statement verifying that a copy of the statement of dispute has been sent to the carrier or other opposing party, and stating the date upon which the copy was sent.

# Section 7. **Designation of Hearing Officer**

Upon receipt of a statement of dispute, the Director shall designate a hearing officer to preside over pre-hearing matters and the hearing. The hearing officer may be an employee of the Department, or an employee of another State agency. Any party may make one request that a different hearing officer be designated, provided the request is made no less than ten (10) days before the date set for the hearing.

### Section 8. Expedited Proceedings

If the dispute concerns a matter that the complainant believes is an emergency or is particularly urgent due to the medical condition of a person covered by the Program, the statement of dispute may include a request for expedited proceedings and a conspicuous statement of the circumstances upon which the request is based. The hearing officer shall consider all requests for expedited proceedings, and upon a determination that the circumstances justify expedited proceedings, shall notify the parties. In expedited proceedings the hearing officer may reduce all time intervals provided by these rules.

### Section 9. **Response**

Once a contested case proceeding is initiated by the filing of a statement of dispute, the hearing officer shall notify the opposing party that a response to the statement of dispute must be filed within fifteen (15) days of the date of the notification. The response shall state the nature and basis of the dispute as it is understood by the responding party, and a brief statement of its reasons for taking the action disputed by the complainant. The response shall state whether the parties have engaged in discussions or attempts to settle the dispute and briefly describe them.

### Section 10. Scheduling Hearing

The hearing officer shall set the matter for hearing no later than thirty (30) days from the filing of the response. Notice of the hearing shall be served personally or by sending certified or registered mail to all parties at their last known addresses at least ten (10) days prior to the date set for the hearing. The notice shall contain the information required by W.S. §16-3-107(b). In the hearing officer's discretion, and for good cause shown, the time for hearing may be extended for a period of time not to exceed an additional thirty (30) days. If the parties agree in writing to additional extensions of time, the hearing officer may approve the agreed extension.

# Section 11. Mandatory Informal Discovery Requests

The parties must request informal discovery prior to filing formal discovery demands authorized by the Wyoming Rules of Civil Procedure. If a party refuses to provide informally requested information or material, the refusing party shall notify the requesting party and the hearing officer within five (5) days of receiving the informal discovery request. The notification shall include an explanation for the refusal. The hearing officer shall liberally grant motions to shorten time for response to formal discovery requests, consistent with reasonable time for parties to provide requested information.

### Section 12. **Pre-Hearing Conference**

Unless the hearing officer determines that a pre-hearing conference would not be helpful to the parties or the Department, a pre-hearing conference shall be held. Rule 16 of the Wyoming Rules of Civil Procedure shall apply. The parties shall attempt in good faith at the pre-hearing conference to narrow the issues, limit the amount of evidence, and to resolve the dispute prior to the final hearing. Informal disposition may be made of any matter by stipulation, agreed settlement, consent order or default, pursuant to W.S. § 16-3-107(n).

### Section 13. **Hearing Procedure**

- (a) Hearings shall be open to the public, except that pre-hearing conferences and hearings may be held by telephone conference call if requested by either party. In addition, the complainant may request in writing that the hearing be closed.
- (b) Evidence received during a hearing shall be in the form of relevant sworn testimony subject to cross-examination. Relevant documentary evidence and written testimony may be received as provided in W.S. § 16-3-108.
- (c) The hearing officer shall cause the entire proceeding, including all testimony, to be recorded on audio tape or such other means as he deems appropriate and consistent with W.S. § 16-3-107(p). A copy of the audio recording of any portion of the proceedings shall be provided to a party upon request. A party may, at his own expense, arrange for stenographic recording.
  - (d) The hearing shall proceed in the following order:
    - (i) Opening statements by complainant and respondent;
    - (ii) Presentation of complainant's case;
    - (iii) Presentation of respondent's case;

- (iv) Rebuttal by both parties at the hearing officer's discretion; and,
- (v) Closing statements at the hearing officer's discretion.
- (e) The hearing officer may limit the time allowed for the hearing or any stage thereof.

### Section 14. **Proposed Final Order**

Within ten (10) days of the conclusion of the hearing, the hearing officer shall submit a proposed final order, together with the record of the proceedings, to the Director. The proposed final order shall include proposed findings and conclusions. Copies of the proposed final order shall be served on both parties by first class mail.

# Section 15. Exceptions to Proposed Final Order, Reply

Within ten (10) days of submission of the proposed final order to the Director, a party may file an exception to any portion of the proposed final order. The exception shall state the specific portion(s) of the final order the filing party disagrees with, and the reason(s) for the disagreement, and shall propose any alternative finding(s), conclusion(s) or result advocated by the filing party. Any party filing an exception to the proposed final order submitted to the Director by the hearing officer shall serve a copy of the exception on the other party. A party may file a reply to an exception filed by the opposing party within five (5) days of the filing of the exception.

### Section 16. Final Order

Not more than forty five (45) days after the conclusion of the hearing, the Director shall issue the final decision in the form of a written final order, which shall include findings and conclusions, and shall be served on the parties by certified or registered mail.

### Section 17. Appeal

Any appeal from a final order of the Director shall be governed by W.S. § 16-3-114 and Rule 12 of the Wyoming Rules of Appellate Procedure.

# **INDEX**

Advisory Panel	1-1, 2-1,	, 2-2
Appointment of Members		
Replace Member		
Nominees	2-1.	, 2-2
Nominations for Members	·	2-1
Notice of appointment		2-2
Meetings		
Appeal		
Applicability of rules		1-1
Appointment of Members, Regular Annual	2-1,	, 2-2
Attorney		
Attorney's Fees or Costs		3-2
Carriers	1-1, 1-2,	, 3-2
Chairman		2-2
Claims		3-2
Allowance and Payment		3-1
Community Colleges		
Complainant		
Contacts		
Contested Case Proceedings		
Counsel		
Definitions		
Advisory Panel		1-1
Department		
Director		
Carrier		1-2
Complainant		1-2
Legal Holiday		
Program		1-2
Retiree		1-2
Denial of Coverage		3-2
Department		1-1
Director	-2, 3-1 to	3-5
Disputes		
Description of		
Emergency		3-3
Hearing and Adjudication of		
Response to		
Statement of		
Documents, Relevant	· · · · · · · ·	3-2
Election of Officers		
Fyidence		3-1

Amount of	. 3-4
Presentation of	
Wyoming Rules of Evidence	. 3-1
Exclusivity of Remedy	. 3-1
Expedited Proceedings	. 3-3
Explanation of Benefits	. 3-2
Final Order	. 3-5
Exceptions to	. 3-5
Proposed	. 3-5
General Information	. 1-1
Hearing Officer	o 3-5
Designation of	. 3-3
Hearing	. 3-3
Final Order	. 3-5
Notice of	. 3-3
Procedure	. 3-4
Proposed Final Order	. 3-5
Scheduling	3-3
Informal Discovery Requests, Mandatory	. 3-4
Nominations for Members	. 2-1
Plan Participants	. 2-1
Pre-hearing	3, 3-4
Purpose	. 1-1
Retired Employees	. 2-1
Secretary	. 2-2
Severability	. 1-1
State Employees' and Group Insurance Act	2, 3-1
State Agencies	. 2-1
Telephone Conference	. 3-4
Term of Office	. 2-1
Testimony	. 3-4
Time Computation	1, 3-5
University of Wyoming	. 2-1
Varifying Statement	
Verifying Statement	. 3-2
Vice-Chairman	. 2-2